

## REMARKS

Applicant wishes to thank the Examiner for reviewing the present application. This Amendment is in response to the July 1, 2004 Office Action. Concurrently filed with this Amendment is a Petition for Extension of Time for two months.

Applicant has hereby amended the specification and claims of the present application. Claims 1-16, 19, and 20 are pending in this patent application after this entry of this Amendment. Applicants respectfully submit that the claims have not been narrowed by the above amendments.

### **I. Objections to Specification**

The Office Action includes objections to certain phraseology in the abstract and the description of the present application. The specification and abstract have been amended to address the concerns raised in the Office Action. Specifically, references in the specification to the claims have been removed and replaced with more general references to the specification. No new matter has been added by this amendment.

### **II. Objection under 37 CFR 1.75**

Claim 21 has been objected to as being in improper form. Applicants have cancelled claim 21. As a result, the objection of this claim is moot.

### **III. Rejection under 35 U.S.C. §112**

Claims 1-20 have been rejected as not complying with 35 U.S.C. §112, second paragraph. Specifically, the claims have been objected as to the format and style. A variety of claims have been amended to address this rejection as shown above including improving the clarity of the claims and to remove specific phraseology from the claims that was objected to in the Office Action. Applicant has also cancelled claims 17 and 18. The Office Action correctly notes that the wording of the original claims was the result of a literal translation from the original German text. Although it can be argued that a person skilled in the art could have construed the claims in their original form, Applicants submit that the claims, as hereby amended for formality reasons, now clearly stand in compliance with 35 U.S.C. §112.

#### **IV. Rejection under 35 U.S.C. §102**

Claims 7, 9, 11 to 15, and 20 stand rejected under 35 U.S.C. §102 as being allegedly anticipated by Fifield (U.S. Patent Des. 426,317). Applicants respectfully disagree and traverse this rejection.

Applicant respectfully submits that Fifield does not recite a ground covering element having square basic elements in which the circumferential sides of the basic elements possess profiles as recited in amended claim 7. Specifically, Fifield does not disclose ground covering elements with each of the circumferential basic element sides having a profile with at least two projections, at least one recess, and a water draining "retraction". Applicant submits that, at most, Fifield teaches a paving stone having a single, broad projection on each side.

On this basis, Applicant respectfully submits that claim 7, and all claims depending therefrom, stand novel in view of Fifield.

#### **V. Rejections under 35 U.S.C. §103(a)**

Claims 8 and 10 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious in view of Fifield. Further, claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious in view of Fifield and further in view of Appleton (U.S. Patent No. 3,903,702). Applicants respectfully disagree and traverse these rejections.

As indicated above, Applicants respectfully submit that claim 7 and all claims depending therefrom (including claims 8, 10, and 16) are novel over Fifield. In addition, it is respectfully submitted that there is no teaching in either Fifield or Appleton, considered alone or in combination that would lead a person skilled in the art to adapt the configuration of Fifield to that specified particularly in claim 7, let alone dependent claim 16. Specifically, neither Fifield nor Appleton, or any combination thereof, teach a stone, or ground covering element, including the specific profiles of projections, recesses, and retractions as specified in claim 7. Further, these references provide no guidance or motivation for modifying the stone of Fifield to incorporate the profiles recited in claim 7 as alleged in the Office Action. Therefore, it is respectfully submitted that claim 7 and all claims depending therefrom clearly stand non-obvious over the cited

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references including claims 8 and 10 over Fifield and claim 16 over the combination of Fifield and Appleton.

#### **VI. Allowable Subject Matter**

Applicants have noted the indication of allowability of claims 1 to 6, subject to the objections under 35 U.S.C. §112, second paragraph. In view of the present amendment of claims 1 to 6, it is respectfully submitted that these claims are now in condition for allowance.

#### **VII. Conclusion**

In view of the above Remarks, it courteously is urged that all the claims are allowable and that the application now is in condition for allowance. If the Examiner believes that the prosecution could be advanced through a telephone conversation, then the Examiner is invited to telephone the undersigned. Favorable action in this regard earnestly is solicited.

Respectfully submitted,  
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